

Item No. 04

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 51/2018 (EZ)

Sailen Mishra

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

Date of hearing: 15.07.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): None

For Respondent (s): Mr. Bikas Kargupta, Advocate for Respondent
Nos. 5 to 8.
Mr. Dipanjan Ghosh, Advocate for Respondent
Nos. 3 and 4.

ORDER

1. The report of the ADLRO, Purulia has been filed and is taken on record.

It sets out the various actions taken against the 73 brick kilns mentioned in the application. The details of which are as follows:-

"A. With regard to 25 brick fields to whom Consent to operate was issued:-

Consent to Operate has been granted by the respondent herein to 25 numbers of brick field being respondent nos. 16, 18, 22, 28, 38, 43, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 67, 70, 73, 74, 75, 78 and 79 who have complied with the norms as per guidelines laid down in the said Memorandum issued by the Land & Land Reforms Department.

The Respondent herein had issued a direction through memos to all the 25 brick fields to ensure that the pollution control systems are functional strictly within 15 days from the date on issuance of the memo. A true copy of one of such Memo being no. VI/525(Part IV/1055/(i)/77 dated 01.03.2019 is filed herewith and marked as Annexure – R5 &6/2

B. With regard to 3 numbers of brick field which remained closed:-

With regard to 3 brick fields the deponent herein respectfully states that these 3 brick fields being respondent nos. 24, 54 and 76 remained closed during the current operational year.

c. With regard to 33 number of brick field owners who, operating:-

Initially these 33 brick fields owners being respondent nos. 11, 12, 14, 15, 17, 19, 25, 26, 27, 29, 30, 33, 34, 35, 36, 44, 45, 46, 48, 49, 63, 64, 65, 66, 68, 69, 71, 72, 77, 80, 81, 82 and 83 were operating without having valid licence and applied for Consent to Operate certificate.

Out of said 33 brick fields, applications for consent to operate of 06 numbers of brick fields being respondent nos 11, 25, 44, 49, 64 and 65 were rejected as barred by locational guideline laid down in the said Memorandum of the Department. As such the Respondent herein to this effect had issued closure notice to all these six brick fields. A true copy of one of such Memo being no. VI/525(Part-IV)/1054/1/20/M/16 dated 01.03.2019 is filed herewith and marked as Annexure-R-5 and 6/3.

For the remaining 27 brick fields, the Respondent herein had issued memos to those twenty seven brick fields with a direction to submit all requisite documents in order to obtain the said certificate. A true copy of one of such Memo being no. VI/525(Part-IV)/3981/1/40/M/17 dated 16.11.2018 is filed herewith and marked as Annexure R5 & 6/4.

Out of said 27 brick fields, 12 brick field owners being respondent nos 12, 14, 15, 17, 33, 36, 45, 46, 63, 66, 69 and 83 submitted all the requisite documents for obtaining consent to operate certificate. However since scrutiny of documents for those twelve could not be completed, the consent to operate certificate could not issued till date.

The remaining 15 brick fields being respondent nos 19, 26, 27, 29, 30, 34, 35, 48, 68, 71, 72, 77, 80, 81 and 82 even though applied for consent to operate without all requisite documents, but in spite of repeated request, those 15 brick field owners did not submit the requisite documents and therefore for want of those requisite documents such 15 application could not be processed and thereby rejected by the authority concerned. The respondent herein to this effect issued closure notice to all the 15 brick fields. A true copy of one of such closure notice being memo no. VI/525/(Part-IV)/1028/25/M/16 datd 27.02.2019 is filed herewith and marked as Annexure R-5 and 6/5.

D. With regard to 12 numbers of brick field from whom no application has been received.

Since no application for consent to operate has been received from the 12 brick field owners being nos 13, 20, 21, 23, 31, 32, 37, 39, 40, 41, 42 and 47 the same were directed for closure by concerned subordinate officer through their different memos.

True copy of one of such memo being No. 395 dated 25.02.2019 issued by the Block Land & Land Reforms Officer, Purulia – I is filed herewith and marked as Annexure R – 5 & 6/6.

2. The State Pollution Control Board and the ADLRO shall take further action in terms of the findings given in the report and submit an action

taken report to this Tribunal through email at judicial-ngt@gov.in, before the next date.

3. List on 16.09.2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Satyawan Singh Garbyal, EM

15th July, 2019
O.A. No. 51/2018 (EZ)
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